

REMARKS

In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraphs 2-7 of the outstanding Office Action, the Examiner has rejected claims 1-5, 8-14 and 17-19 under 35 U.S.C. §102(b) as being anticipated by Seth-Smith et al. (U.S. Patent No. 4,829,569). Applicant respectfully traverses the rejection.

More specifically in the portion at column 6, lines 30-57, the Examiner states that Seth-Smith et al. teaches the transmission of the data over a first communication channel and restrictive data transmission control information over a second communication channel. However, Applicant respectfully disagrees. As is clearly set forth in the Seth-Smith et al. reference, the control messages and video information are “assembled together with video information” (column 6, lines 20-21). Therefore, it is clear that all the information that is to be transmitted is assembled together, and then is transmitted either via satellite or land line. This is shown in Figure 1 as transmission from tower 18 to satellite receiver 22. While a land phone line 8 is depicted allowing for communication between detection decryption message completion display 24 and the information provider, as is described in the specification at the top of column 7, this is used for subsequent billing information, and makes no mention of the use of this second communication channel for the transmission of control information for determining restriction in the originally transmitted video data.

Because the reference shows that all video and control information to be transmitted over a single transmission media, Applicant submits that this Seth-Smith et al. reference fails to depict the invention as set forth at least in independent claims 1 and 11.

Furthermore, claims 2-5, 8-10, 12-14 and 17-19 depend from one of the independent claims noted above, and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Applicant therefore respectfully requests that the rejection of claims 1-5, 8-14 and 17-19 under 35 U.S.C. §102(b) be withdrawn.

At paragraphs 9-14 of the outstanding Office Action, the Examiner has rejected claims 6-7 and 15-16 under 35 U.S.C. §103(a) as being unpatentable over Seth-Smith et al. in view of Mueller (U.S. Patent No. 5,602,917). Applicant respectfully traverses the rejection.

Applicant submits that each of the claims noted above depends, either directly or indirectly, from one of the independent claims noted above, and is therefore allowable for this reason alone, and additionally as presenting an independently patentable combination in and of its own right. Applicant therefore respectfully requests that the rejection of claims 6-7 and 15-16 under 35 U.S.C. §103(a) be withdrawn.

At paragraphs 15-28 of the outstanding Office Action, the Examiner has rejected claims 20-37 under 35 U.S.C. 102(b) as being anticipated by Aziz et al. (U.S. Patent No. 5,548,646). Applicant has cancelled claims 20-37 and therefore requests that the rejection of these claims be withdrawn as moot. Applicant has cancelled these claims without prejudice to the continued prosecution of these claims in a Continuation Application. Cancellation of these claims is not an acquiescence in the rejection, or an agreement that the Examiner's arguments are correct.

CONCLUSION

Statements appearing above in respect to the disclosures in the cited references represent the present opinion of Applicants' undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing a basis for a contrary view.

Applicants have made a diligent effort to place claims 1-19 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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